

REMARKS

Claims 1 through 25 are pending. Claims 11 through 19 have been withdrawn from consideration. Claims 1 through 10 and 20 through 25 were the subject of a final rejection in the Office Action dated June 28, 2011. Reconsideration of the rejection of those claims is respectfully requested on the basis of the following remarks, which were not presented earlier because the outstanding rejection under 35 U.S.C. 103 was set forth in the Office Action for the first time.

I. Rejection of Claims 1 through 10 and 20 through 25 Under 35 U.S.C. § 103

Claims 1 through 10 and 20 through 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,279,654 (Pierick) in view of U.S. Patent No. 2,869,543 (Ratcliff et al.). The Examiner indicated that Pierick discloses the elements of independent claim 1, except that the movement of the activator member towards the dispensing opening causes movement of the applicator member due to hydraulic transmission. Office Action at p. 4. Ratcliff et al., it was said, teaches that it was known in the art to have movement of an activator member towards a dispensing opening, causing such movement of the applicator member. Applicants respectfully disagree for at least the following reasons.

As noted in response to a previous Office Action, Pierick not only does not disclose that movement of an activator member toward a dispensing opening causes movement of an applicator member due to hydraulic transmission, it cannot disclose or even permit such a structure or function because the knob 19 and plunger 18 of Pierick cannot move relative to each other. And because they cannot move relative to each other, they necessarily cannot move relative to each other due to hydraulic transmission of force, as recited in claim 1. They can only move together with each other because knob 19 bears on and pushes plunger 18 directly. And yet it is said in the Office Action to have been obvious to remove these components from Pierick and substitute for them two components that can move relative to each other, to arrive at the Applicants' claimed invention. That modification – converting an immovable knob (19, in Pierick) into a movable plunger (16, in Ratcliff et al.) - cannot be permissibly made, much less

be said to be obvious, because Pierick so clearly teaches away from such a basic structural and functional modification. Accordingly claim 1 is patentable under 35 U.S.C. 103(a), and reconsideration of the rejection of that claim is respectfully requested. The remaining claims pending in the application all properly depend from claim 1, and are therefore in condition for allowance for at least the same reasons. Reconsideration of the rejection of all pending claims is respectfully requested.

All outstanding matters are believed to have been addressed, and the pending claims are believed to be in condition for allowance. Accordingly a notice of allowance for those claims is respectfully requested. If a telephonic conference with the Applicants' undersigned representative would be useful in resolving any outstanding matters in this application, the Examiner is invited to contact the undersigned at 651-736-4050.

Respectfully submitted,

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Date

By: /Peter L. Olson/

Peter L. Olson, Reg. No.: 35,308

Telephone No.: 651-736-4050

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Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833